

Appl. No.: 09/698,077
Filed: October 30, 2000
Page 7

REMARKS

Applicant appreciates the thorough review of the present application, as evidenced by the final Official Action. The first Official Action of this request for continued examination (RCE) rejects all of the claims, namely Claims 17-40, under 35 U.S.C. § 102(e) as being anticipated by newly located U.S. Patent No. 5,682,525 to Bouve et al. To advance prosecution of the present application, Applicant has amended independent Claims 32 and 35 to more clearly define the claimed invention. In this regard, Applicant has amended independent Claims 32 and 35 to each include the recitations of dependent Claim 34, and have accordingly cancelled dependent Claim 34. As explained in more detail below, however, Applicant respectfully submits that the Bouve patent neither teaches nor suggests the claimed invention of Claims 17-40. As such, Applicant respectfully traverses the rejection of Claims 17-40 under § 102(e) as being anticipated by the Bouve patent.

The Bouve patent discloses a system and method for remotely accessing a selected group of items of interest from a database. As described, a user can access a common database from a remote communications port, at any qualified location, to generate a map or other positional information which locates selected items of interest, e.g., businesses, stores, architectural sites, and the like. The database contains information representing the items of interest, including, for each item of interest, positional coordinates of the item, a geographic vicinity of the item, and a selected category of the item. The positional coordinates discretely locate the vicinity, while the vicinity specifies the exact locations of the items of interest in the selected category. For example, a user can select the display of sporting shops in the area surrounding Chicago O'Hara International Airport.

As previously explained, independent Claims 17 and 23 of the present application, on the other hand, recite a method for retrieving information, and searching and retrieving information, respectively. The method includes sending or receiving a request identifying a first site, and range data defining a distance from the first site. Trip planning information is then received or output, where the trip planning information is selected based on the identified site and the range data. For example, with the system of the claimed invention, a user may request information

Appl. No.: 09/698,077
Filed: October 30, 2000
Page 8

concerning points of interest within 10 miles (i.e., range data) of Chicago O'Hara International Airport.

In contrast to the method of independent Claims 17 and 23, the Bouve patent does not teach or suggest a method for retrieving information including receiving a request including range data. In this regard, the Bouve patent does disclose displaying a geographic vicinity about the user or a desired destination. In either event, however, the vicinity about the user or desired location is predefined and stored for each item of interest within the respective vicinities (see FIG. 4A). More particularly, the Bouve patent discloses that the scope of the geographic vicinity is generally within walking distance of the user or desired destination. Col. 6, ll. 59-60. As such, whereas the claimed invention of independent Claims 17 and 23 permits users to vary the area around (range data) the first site within which to search for a location of interest (as recited in dependent Claim 34), the Bouve patent does not teach or suggest altering the distance from a user or a desired destination. In this regard, in accordance with embodiments of the present invention, the user may be capable of expanding the area around (range data) the first site if insufficient information is found in response to a query including a given area around the first site. See Pat. App. p. 15, line 24 to p. 16, line 2; and FIG. 8 at step 26.

Applicant further submits that these claims are not obvious in light of the Bouve patent. The Bouve patent nowhere suggests receiving and/or using a distance range provided by the user. Furthermore, Applicant argues that the patentee's failure to disclose use of a distance range provided by the user demonstrates the nonobviousness of the solution presented by the claimed invention. If it had been obvious to use distance ranges provided by the user based on the system described in the Bouve patent, then it would stand to reason that the patentee of the Bouve patent himself would have mentioned such a solution. As the patentee of the Bouve, (one presumed to be skilled in the art), did not disclose using a distance range provided by the user demonstrates that such a solution was not obvious to the patentee of the Bouve patent, and further demonstrates that this solution would not have been obvious to others skilled in the art.

Applicant therefore respectfully submits that the methods of independent Claims 17 and 23 are patentably distinct from the Bouve patent. As such, Applicant also respectfully submits that the rejection of independent Claims 17 and 23 under 35 U.S.C. § 102(e) as being anticipated

Appl. No.: 09/698,077
Filed: October 30, 2000
Page 9

by the Bouve patent is overcome. As dependent Claims 18-22 and 24-28 depend, directly or indirectly, from independent Claims 17 and 23, respectively, dependent Claims 18-22 and 24-28 include all of the limitations of a respective independent claim, and as such, are patentably distinct from the Bouve patent for at least the reasons given above in conjunction with independent Claims 17 and 23. In this regard, Applicant respectfully submits that the rejection of dependent Claims 18-22 and 24-28 under 35 U.S.C. § 102(e) as being anticipated by the Bouve patent is also overcome.

As recited by independent Claims 29 and 38, a method is provided for retrieving information, and searching and retrieving information, respectively. The method includes sending or receiving a request identifying at least a first site, a second site and a type of location of interest. Thereafter, information associated with the first and second sites is received or sent, where the information is selected based upon the type of location of interest and, as recited in independent Claim 29, using a geometric shape generated based upon the first and second sites.

In contrast to the claimed invention of independent Claims 29 and 38, the Bouve patent does not teach or suggest sending or receiving a request identifying at least a first site and a second site. Also, the Bouve patent does not teach or suggest selecting information associated with the first and second sites using a geometric shape generated based upon the first and second sites. The Bouve patent discloses that a geographic vicinity is displayed about a center location comprising either the user location or a desired location. Thus, at most, the Bouve patent discloses receiving a request including a first site. And as indicated above, the geographic vicinity about the user or desired location is predefined. Thus, the Bouve patent selects information associated with a first site irrespective of any other site, much less a geographic shape generated based upon the first and second sites, as further recited by independent Claim 29.

Applicant respectfully submits, then, that the methods of independent Claims 29 and 38 are patentably distinct from the Bouve patent. As such, Applicant also respectfully submits that the rejection of independent Claims 29 and 38 under 35 U.S.C. § 102(e) as being anticipated by the Bouve patent is overcome. And as dependent Claims 30-31 and 39-40 depend from independent Claims 29 and 38, respectfully, dependent Claims 30-31 and 39-40 include all of the

Appl. No.: 09/698,077
Filed: October 30, 2000
Page 10

limitations of a respective independent claim, and as such, are patentably distinct from the Bouve patent for at least the reasons given above in conjunction with independent Claims 29 and 38. In this regard, Applicant respectfully submits that the rejection of dependent Claims 30-31 and 39-40 under 35 U.S.C. § 102(e) as being anticipated by the Bouve patent is also overcome.

Amended independent Claims 32 and 35 of the present application recite methods for searching and retrieving information, and for retrieving information, respectively. As recited, the methods include receiving or sending a request including a site and a type of location of interest. Then, trip planning information is provided or received based upon the site, the type of location of interest, and a range. As recited by amended independent Claim 35, the range is variable. More particularly, as recited by amended independent Claim 32, the range is determined, including being varied based on the number of locations of interest located within a predetermined distance of the site. In addition, the range is based upon stored information associated with the type of location of interest, e.g., whether the location of interest is the Empire State Building or Yellowstone National Park. *See, e.g., Pat. App. p. 14, lines 20-25.*

In contrast to the methods of amended independent Claims 32 and 35, and as explained above in relation to independent Claims 17 and 23, the Bouve patent discloses that the vicinity about the user or desired location is predefined and stored for each item of interest within the respective vicinities. As such, whereas the claimed invention of amended independent Claims 32 and 35 discloses that the range is variable, or can be varied based upon the number of locations of interest located within a predetermined distance of a site, the Bouve patent does not teach or suggest altering the distance from a user or a desired destination.

Like independent Claims 17, 23, 29 and 38, Applicant respectfully submits that the methods of amended independent Claims 32 and 35 are patentably distinct from the Bouve patent. Applicant also respectfully submits, then, that the rejection of independent Claims 32 and 35 under 35 U.S.C. § 102(e) as being anticipated by the Bouve patent is overcome. Further, as dependent Claims 33-34 and 36-37 depend, directly or indirectly, from independent Claims 32 and 35, respectfully, dependent Claims 33-34 and 36-37 include all of the limitations of a respective independent claim, and as such, are patentably distinct from the Bouve patent for at least the reasons given above in conjunction with independent Claims 32 and 35. Applicant

Appl. No.: 09/698,077
Filed: October 30, 2000
Page 11

therefore respectfully submits that the rejection of dependent Claims 33-34 and 36-37 under 35 U.S.C. § 102(e) as being anticipated by the Bouve patent is also overcome.


Appl. No.: 09/698,077
Filed: October 30, 2000
Page 12

CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

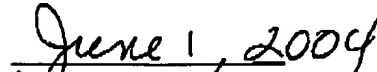

Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-8306 on the date shown below.


Sarah B. Simmons


Date June 1, 2004